

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 412 - SB 404

March 22, 2021

**SUMMARY OF ORIGINAL BILL:** Exempts retired police officers serving as a guard, patrol, or watchperson under a contract with a private business that is properly licensed by the state from licensure under the Board of Private Protective Services (BPPS) if the retired officer meets the same requirements to carry a firearm as an active police officer.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$100/FY21-22 and Subsequent Years/  
Tennessee Bureau of Investigation  
\$500/FY21-22 and FY22-23/  
Board of Private Protective Services  
\$800/FY23-24 and Subsequent Years/  
Board of Private Protective Services

Increase State Expenditures – \$100/FY21-22 and Subsequent Years/  
Tennessee Bureau of Investigation

Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-sufficient over any two-year period. The Board of Private Protective Services experienced a surplus of \$366,435 in FY18-19, a surplus of \$330,287 in FY19-20, and had a cumulative reserve balance of \$3,096,365 on June 30, 2020.

IMPACT TO COMMERCE OF ORIGINAL BILL:

Increase Business Expenditures - \$700/FY21-22 and FY22-23  
\$1,000/FY23-24 and Subsequent Years

**SUMMARY OF AMENDMENT (004868):** Deletes and rewrites all language after the enacting clause such that the only substantive change is adding language to establish a retired police officer is exempt from licensure under the BPPS if the officer meets the same requirements to carry a firearm as an active police officer, in addition to the exemptions authorized by current law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 62-35-103(a), a retired police officer is exempt from licensure under the BPPS if the officer has completed the same required firearms training for other armed licensees, and has a written directive issued by the supervisor of the organization that authorized the officer to carry a handgun.
- The proposed legislation additionally exempts a retired police officer that has met the same requirements as an active police officer to carry a firearm by the Peace Officer Standards and Training (POST) Commission from licensure.
- Pursuant to Chapter 1110-10 Rules of the POST Commission, a retired officer seeking certification to carry a firearm shall submit: a signed letter from the chief law enforcement officer of the retired officer's agency that the retired officer is in good standing; proof of having met the annual firearm training by a certified fire arms instructor or instructor at the Tennessee Law Enforcement Training Agency; and a \$10 fee.
- Due to significantly more regulation to receive annual certification to carry a firearm as an active police officer, the proposed legislation is not estimated to exempt a significant number of retired police officers from licensure in addition to those under current law.
- Pursuant to Tenn. Code Ann. § 4-29-121, all regulatory boards are required to be self-sufficient over any two-year period. The BPPS experienced a surplus of \$366,435 in FY18-19, a surplus of \$330,287 in FY19-20, and had a cumulative reserve balance of \$3,096,365 on June 30, 2020.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:**

### **NOT SIGNIFICANT**

Assumption for the bill as amended:

- The proposed legislation is not estimated to exempt a significant number of retired police officers from licensure under the BPPS in addition to those under current law.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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